



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 17, 1996

Mr. Ron M. Pigott
Assistant General Counsel
Texas Department of Public Safety
P.O. Box 4087
Austin, Texas 78773-0001

OR96-1702

Dear Mr. Pigott:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 101132.

The Texas Department of Public Safety (the "department") received a request for photographs and a "more complete" report in a department officer's file regarding a traffic accident. You state that the department does not have any photographs regarding the accident because they were all either "under or over exposed." You claim that the accident report submitted to this office is excepted from required public disclosure pursuant to sections 552.103 and 552.108 of the Government Code.

The accident report form appears to have been completed by a department investigator in accordance with chapter 550 of the Transportation Code. *See* Transp. Code § 550.064 (officer's accident report). The Seventy Fourth Legislature, without reference to the repeal and codification of V.T.C.S. article 6701d,¹ amended section 47

¹Effective September 1, 1995, article 6701d was repealed and codified as part of the Transportation Code. Act of May 1, 1995, 74th Leg., R.S., ch. 165, § 24, 1995 Tex. Sess. Law Serv. 1025, 1870-71. *See* Trans. Code § 550.065 (release of accident reports). The legislature did not intend a substantive change of the law but merely a recodification of existing law. *Id.* § 25, 1995 Tex. Sess. Law Serv. at 1871. The repeal of a statute by a code does not affect an amendment of the statute by the same legislature which enacted the code and the amendment is preserved and given effect as part of the code provision. Gov't Code § 311.031(c). Thus, the amendment of section 47 of article 6701d, V.T.C.S., in House Bill 391, remains in effect as current law and may be found following section 550.065 of the Transportation Code. *See also* Act of May 27, 1995, 74th Leg., R.S., ch. 894, §1, 1995 Tex. Sess. Law Serv. 4413, 4414.

of article 6701d, V.T.C.S., relating to the disclosure of accident reports. Act of May 27, 1995, 74th Leg., R.S., ch. 894, §1, 1995 Tex. Sess. Law Serv. 4413, 4414. As amended, section 47(b)(1) provides that:

The Department or a law enforcement agency employing a peace officer who made an accident report *is required to release a copy of the report* on request to:

....

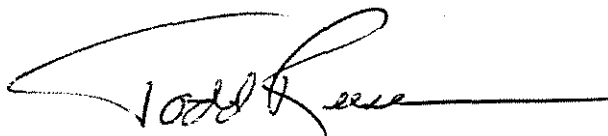
(D) a person who provides the Department or the law enforcement agency with two or more of the following:

- (I) the date of the accident;
- (ii) the name of any person involved in the accident; or
- (iii) the specific location of the accident

Id. (emphasis added). Under this provision, the department "is required to release" a copy of an accident report to a person who provides the department with two or more pieces of information specified by the statute. *Id.* In the situation at hand, the requestor provided the department with the date of the accident and the name of a person involved in the accident. Thus, you are required to release this information under section 47(b)(1)(D) of article 6701d, V.T.C.S. Although you have raised sections 552.103 and 552.108 of the Government Code as exceptions to disclosure, the Open Records Act's exceptions do not, as a general rule, apply to information expressly made public by other statutes. Open Records Decision No. 525 (1989) at 3. We conclude that the accident report must be released to the requestor.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Todd Reese", with a long horizontal line extending to the right.

Todd Reese
Assistant Attorney General
Open Records Division

RTR/rho

Ref.: ID# 101132

Enclosures: Submitted documents

cc: Chris Crozier
Crawford & Company
5310 Harvest Hill Road, Suite 180
Dallas, Texas 75230-5806
(w/o enclosures)